

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD¹
REGION 32

LONGS DRUG STORES CALIFORNIA, INC.
Employer

and

Case 32-RC-5259

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 439, AFL-CIO
Petitioner

**REPORT AND RECOMMENDATIONS ON OBJECTIONS
AND NOTICE OF HEARING**

Acting pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, the undersigned has caused an investigation of the objections to be conducted and hereby recommends that Objections Nos. 1, 2, 3, 4, and 5, be set for hearing.

The Election

The Petition in this matter was filed on May 24, 2004.² Pursuant to a Stipulated Election Agreement approved on June 10, an election by secret ballot was conducted on July 7, in the following unit:

All full-time and regular part-time warehouse employees employed by the Employer at its Lathrop, California facilities located at 700 Darcy Parkway and 17740 Shidler; **excluding** all managerial and administrative employees, drivers, office clerical employees, temporary employees, all other employees, guards, and supervisors as defined in the Act.

The Tally of Ballots served on the parties at the conclusion of the election showed the following results:

Approximate number of eligible voters.....	300
Number of void ballots.....	1
Number of votes cast for participating labor organization...	107
Number of votes against participating labor organization....	175

¹ Herein called the Board.

² All dates hereinafter refer to calendar year 2004.

Number of valid votes counted.....	282
Number of challenged ballots.....	3
Valid votes counted plus challenged ballots.....	285

Challenges were insufficient in number to affect the election results. Thereafter, the Petitioner filed timely objections to the election, a copy of which was served on the Employer by the Region. Those objections having now been investigated, the results of that investigation are as follows:

The Objections

1. The Employer, through its agents, campaigned in the voting area.
2. The Employer, through its agents, assaulted an employee and this assault was spread throughout the warehouse.
3. The Employer threatened an employee.
4. The Employer maintained unlawful rules.
5. The Employer promised and/or provided benefits to employees.

The investigation of these objections raised material issues of fact and/or law that can best be resolved by a hearing.

Notice of Hearing

IT IS HEREBY ORDERED that a hearing on Objections Nos. 1, 2, 3, 4 and 5 be held before a duly designated Hearing Officer of the National Labor Relations Board.

IT IS FURTHER ORDERED that the hearing officer designated for the purpose of conducting the hearing shall prepare and cause to be served upon the parties a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of said issues. Within fourteen (14) days from the issuance of said report, any party may file with the Board an original and one (1) copy of exceptions to such report, with supporting brief, if desired. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof, together with a copy of any brief filed, on the other party to the proceeding and with the undersigned. If no exceptions are filed to such report, the Board, upon the expiration of the period for filing exceptions, may decide the matter forthwith upon the record or may make other disposition of the case.

PLEASE TAKE NOTICE that on Wednesday, August 11, 2004, at 9:00 a.m., in the Oakland Regional Office of the Board, 1301 Clay Street, Suite 300N, Oakland, California, and continuing on consecutive days thereafter until completed, a hearing pursuant to Section 102.69 of the Board's Rules and Regulations will be conducted before a hearing officer of the National Labor Relations Board upon the aforesaid objections, at which time and place the parties will have the right to appear in person, or otherwise, to give testimony and to examine and cross-examine witnesses with respect to said matters.

DATED AT Oakland, California this 2nd day of August, 2004.

/s/ Alan B. Reichard

Alan B. Reichard
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Room 300N
Oakland, CA 94612-5211